



BILLING CODE 6717-01-P
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

Upper Peninsula Power Company

[Project No. 10855-345]

Notice of Application for Amendment of License, Soliciting Comments, Motions to Intervene, And Protests

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Proceeding: Request for temporary variances of Article 402
- b. Project No.: 10855-345
- c. Date Filed: October 14, 2021
- d. Licensee: Upper Peninsula Power Company
- e. Name of Project: Dead River Hydroelectric Project
- f. Location: The project is located on the Dead River, in Marquette County, Michigan.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r.
- h. Licensee Contact: Mr. Virgil Schlorke, Upper Peninsula Power Company, 800 Greenwood Street, Ishpeming, MI 49849, (906) 485-2480.
- i. FERC Contact: Brian Bartos, (202) 502-6679, Brian.Bartos@ferc.gov.
- j. Deadline for filing comments, motions to intervene, and protests, is **November 29, 2021**.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy

Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P-10855-033. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

- k. **Description of Request:** The applicant requests a temporary variance from the surface elevation requirements under Article 402 at the Silver Lake Storage Basin (SLSB) and Dead River Storage Basin (DRSB) due to ongoing drought conditions at the project. The applicant is currently in dry year consultation with the Michigan Department of Natural Resources, Michigan Department of Environment, Great Lakes, and Energy, and U.S. Fish and Wildlife Service. Due to the potential long-term nature of the variance, the applicant requests a temporary variance from the license requirements until impoundment elevations return to normal levels.

Additionally, the applicant proposes to modify the start-of-month target reservoir surface elevation requirements at the SLSB and DRSB for the year 2022. Specifically, the applicant proposes to increase the SLSB start-of-month target elevations in February and March from 1,477.5 to 1,479.0 feet National Geodetic Vertical Datum (NGVD); April from 1,477.5 to 1,485.0 feet NGVD; May from 1,479.0 to 1,485.0 feet NGVD; June from 1,481.0 to 1,485.0 feet NGVD; July from 1,481.5 to 1,485.0 feet NGVD; August from 1,480.0 to 1,482.5 feet NGVD; September and October from 1,479.5 to 1480.0 feet NGVD. The licensee would continue to maintain the target elevations for the remaining months as required by Article 402. The applicant proposes to increase the DRSB start-of-month target elevation for May from 1,340.0 to 1,341.0 feet NGVD. The applicant states that the temporary variance will allow the applicant to continue to determine if there are operational modifications that can be employed to improve water quality in the Dead River, as well as to proactively allow for increased storage in the impoundments in the event that the watershed receives significant precipitation and/or snowmelt in the spring.

- l. **Locations of the Application:** This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

- m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.
- n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.
- o. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

DATED: October 28, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-23957 Filed: 11/2/2021 8:45 am; Publication Date: 11/3/2021]